



U.S. DEPARTMENT of STATE

GUINEA-BISSAU

Guinea-Bissau is a multiparty republic with a population of approximately 1.6 million. In 2005 Joao Bernardo "Nino" Vieira defeated the candidate of the ruling African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC) to become president. The election was characterized as free and fair by international observers. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens; however, problems occurred in some areas, including the arbitrary killing of a demonstrator, poor prison conditions, and arbitrary arrest and detention. Restrictions on freedom of speech and press occurred. There were violent dispersals of demonstrations. Lack of judicial independence and official corruption and impunity were problems. There were violence and discrimination against women. Female genital mutilation (FGM) continued to be widespread. Child trafficking and child labor, including some forced labor, were problems.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed a demonstrator (see section 2.b.).

On January 6, unknown persons killed former Commodore Lamine Sanha, who was fired in 2006 and remained a controversial figure due to his involvement with the leader of the 1998 coup, Ansumane Mane. Sanha was shot at close range with a single shot to the head. Rioters, who suspected government involvement in the execution-style killing, burned the houses of President Vieira and one of his advisers, Ibrahima Sow. Police use of excessive force sparked violent protests, which ended when the military used lethal force (see section 2.b.). An investigation by the attorney general into Sanha's killing was

ongoing at year's end. There was no investigation into police use of excessive force by year's end.

No arrests were made in the 2005 attack on the Interior Ministry in which approximately 20 soldiers, believed to be loyal to former president Kumba Yala, killed two security guards and injured a third.

On December 13, the National Assembly adopted a law that provides amnesty for political crimes committed between 1980 and 2004. Several civil society organizations charged that the law protects persons who committed political assassinations, including President Vieira and armed forces Chief of Staff, General Batista Tagm Na Wai.

Unlike in the previous year, no deaths resulted from landmines.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices, and there were no reports that government officials employed them. The government rarely punished members of the security forces who committed abuses.

Unexploded ordinance resulted in some injuries during the year.

Prison and Detention Center Conditions

Prison conditions remained poor. There are no formal prisons, and the government detained most prisoners in makeshift detention facilities on military bases in Bissau and neighboring cities. Detention facilities generally lacked running water and adequate sanitation. Detainees' diets were poor, and medical care was virtually nonexistent. Pretrial detainees were not held separately from convicted prisoners. Juveniles were not held separately from adults.

The government generally permitted independent monitoring of prison conditions by local and international human rights groups. During the year representatives from the International Committee of the Red Cross (ICRC) and the Office of the Representative of the UN Secretary General visited prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally observed these prohibitions; however, security forces reportedly detained persons for exercising their right to free speech and became involved in settling personal disputes, detaining persons upon request without due process.

Role of the Police and Security Apparatus

The police, under the direction of the Ministry of the Interior, have primary responsibility for the country's internal security. The armed forces are responsible for external security and can be called upon to assist the police in internal emergencies.

The country is divided into 37 police districts; there were an estimated 600 police in the country. Impunity and corruption were rampant, and police generally were ineffective. Transit police were particularly corrupt and demanded bribes from vehicle drivers, whether their documents and vehicles were in order or not. Police were poorly and irregularly paid, and there was a severe lack of resources and training. The attorney general was responsible for investigating police abuses, and three investigations were conducted during the year. Two of these investigations involved allegations of theft against the judicial police, while the third involved allegations against members of the military who had confiscated fishing equipment during a dispute. All three cases were dismissed by year's end.

Arrest and Detention

The law requires arrest warrants and provides for the right to counsel and, if indigent, to counsel provided by the state. Pretrial detainees were allowed prompt access to family members. The law also provides for the right to release if no timely indictment is brought and for the right to a speedy trial. However, authorities did not always respect these rights in practice. There was a functioning bail system.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary; however, in practice, there was little independence. Judges were poorly trained and paid and sometimes were subject to corruption. The attorney general had little protection from political pressure since the president has sole authority to appoint or replace the attorney general.

Civilian courts conduct trials involving state security. Under the Code of Military Justice, military courts only try crimes committed by armed forces personnel. The Supreme Court is the final court of appeal for both military and civilian cases. The president has the authority to grant pardons and reduce sentences.

Trial Procedures

The law provides for the right to a fair trial, and the judiciary generally enforced this right. There is no trial by jury. The law provides for a presumption of innocence, the right to have timely access to an attorney, to question witnesses, to have access to evidence held by the government, and to appeal. Citizens who cannot afford an attorney have the right to a court-appointed lawyer.

Traditional practices still prevailed in most rural areas, and persons who lived in urban areas often brought judicial disputes to traditional counselors to avoid the costs and bureaucratic impediments of the official system. The police often resolved disputes.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

The judiciary system handles civil and criminal matters; however, there is no administrative mechanism to address human rights violations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution and law prohibit such actions, and the government generally respected these prohibitions in practice. Unlike in the previous year, there were no reports that security forces cut the telephone lines of persons who criticized the government.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution and law provide for freedom of speech and of the press; however, the government did not always respect these rights in practice. During the year security forces detained persons for

exercising their right to free speech and threatened and harassed journalists. Some journalists practiced self-censorship.

In addition to the government-owned newspaper *No Pintcha*, several private newspapers published without restriction. All newspapers were published through the state-owned printing house. The national printing press often lacked raw materials, and salaries were not always paid, resulting in publication delays.

There were several independent radio stations, a national radio station, and a national television station. International radio broadcasts could be received.

Journalists were harassed, especially those who reported on drug trafficking.

On January 17, the Interior Ministry ordered Public Order Police Commissioner Antero Joao Correia to close Bombolom radio station after the station reported on the murder of former Commodore Lamine Sanha and on the ensuing riots and police use of excessive force after his death. Correia, who refused to close the station, was subsequently fired. Armed forces and state security personnel also attempted to shut down the station, but it remained open during the year.

On May 20, Fernando Jorge Pereira, a journalist for the newspaper *Expresso*, was briefly detained and threatened with imprisonment by state security forces after he attempted to photograph a small airplane landing on the island of Bubaque, which was reputedly used to stage drug flights.

On June 1, Reuters journalist Alberto Dabo was detained and questioned by Interior Minister Baciro Dabo for over three hours for a misquote attributed to the minister. An erroneous translation had quoted Minister Dabo as accusing the military of involvement in drug trafficking instead of civil servants, as the minister had charged. Dabo was threatened with jail, but eventually was released when he agreed to publicly clarify that the infraction was a translator's error.

On July 16, Head of the Navy Jose Americo "Bubo" Na Tchuto attempted to have Alberto Dabo arrested for his translation of a statement for the British news service Independent Television News (ITN). The translation attributed a statement that soldiers were involved in drug trafficking to Na Tchuto. Even though ITN was not the organization that published the statement in question, Dabo was charged with four crimes: defamation, abuse of freedom of the press,

violating state secrets, and slander. Dabo's case was pending at year's end.

During the year Radio France International correspondent Allen Yoro Embalo fled to France after receiving death threats while he was working on an investigation into drug trafficking. During the year unknown persons had broke into his home and stole his camera, video footage of a report on drug trafficking, and over \$1,200 (600,000 CFA).

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Lack of infrastructure, equipment, and education severely limited access to the Internet.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution and law provide for freedom of assembly; however, the government did not always respect this right in practice. Permits were required for all assemblies and demonstrations.

On January 6, security forces used force to break up riots resulting from the killing of former Commodore Lamine Sanha. One youth, Malam Dabo, was reportedly shot and killed at close range by a soldier. The Human Rights League received corroborating reports of the killing from eyewitnesses, but the attorney general stated the crime will not be investigated, maintaining that Dabo died of asphyxiation.

No action was taken against police who used clubs to break up a peaceful demonstration of health professionals in 2006.

Freedom of Association

The constitution and law provide for the right of association, and the government generally respected this right in practice.

c. Freedom of Religion

The constitution and law provide for freedom of religion, and the government generally respected this right in practice. However, during the year the government continued its 2005 ban on activity by the Islamic religious group Ahmadiyya, contending that some activities, including the group's practice of paying locals to attend services, were disruptive.

Although the government must license religious groups, there were no reports that any applications were refused.

Societal Abuses and Discrimination

There was no Jewish community, and there were no reports of anti-Semitic acts.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaces Persons, Protection of Refugees, and Stateless Persons

The constitution and law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected them in practice.

The law did not specifically prohibit forced exile; however, the government did not use it.

Internally Displaced Persons (IDPs)

IDPs moved back and forth over the border with Senegal, depending on the status of the ongoing armed conflict in Senegal's Casamance region. With tribal and family ties on both sides of the poorly marked border, the nationality of IDPs was not always clear.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees or its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution. The government did not grant refugee status or asylum during the year.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR reported that the government was tolerant of refugees and permitted them to engage in economic activities to support themselves.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The constitution and law provide citizens with the right to change their government peacefully, and citizens exercised this right through free and fair elections in 2005 held on the basis of universal suffrage. In April the National Popular Assembly (ANP) followed constitutional order when it voted no confidence in the government of Aristides Gomes. A coalition of opposition parties named a new prime minister and cabinet in consultation with President Vieira. The transfer of power was orderly and peaceful.

Elections and Political Participation

In July 2005 Joao Bernardo Vieira, the country's former military ruler, defeated ruling PAIGC candidate Malam Bacai Sanha in a run-off presidential election. The elections were declared free and fair by international observers.

There were 14 women in the 100-seat ANP. The Supreme Court president, two of the country's 19 government ministers, and one of nine state secretaries also were women.

All ethnic groups were represented in the government.

Government Corruption and Transparency

Official corruption and lack of transparency were endemic at all levels of government. Customs officers frequently accepted bribes for not collecting import taxes, which greatly reduced government revenues. The World Bank's worldwide governance indicators reflect that corruption was a severe problem.

On December 28, the government's Audit Office established a commission to investigate illegal acquisition of wealth by current and former government officials.

The law provides that "everyone has the right to information and judicial protection"; however, such access was seldom provided.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to their views. The government permitted visits by UN representatives and the ICRC.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination on the basis of sex and race; however, the government did not enforce these provisions effectively.

Women

The law prohibits rape, including spousal rape, but government enforcement was limited, in large part due to lack of resources.

Domestic violence, including wife beating, was an accepted means of settling domestic disputes. There is no law that prohibits domestic violence, and politicians were reportedly reluctant to address the subject for fear of alienating more traditional voters or particular ethnic groups. Although police intervened in domestic disputes if requested, the government did not undertake specific measures to counter social pressure against reporting domestic violence, rape, incest, and other mistreatment of women.

The law prohibits prostitution, but enforcement was weak.

There is no law prohibiting sexual harassment, and sexual harassment was a problem.

The law treats men and women equally and prohibits discrimination; however, discrimination against women was a problem, particularly in rural areas where traditional and Islamic law were dominant. Women were responsible for most work on subsistence farms and had limited access to education, especially in rural areas. Women did not have equal access to employment. Among certain ethnic groups, women cannot manage land or inherit property.

Children

The government allocated limited resources for children's welfare and education. Public schooling was free and universal through high school, but not compulsory. Attendance and quality of education were

low due to lack of resources. No statistics were available on the percentage of school-age children who attended school or the highest level achieved by most children. Teachers were poorly trained and paid, sometimes not receiving salaries for months at a time. For economic reasons, children often were required to help their families in the fields, which often conflicted with schooling.

Boys and girls had equally poor access to rudimentary medical care provided by the state.

Certain ethnic groups, especially the Fulas and the Mandinkas, practiced FGM, not only on adolescent girls, but also on babies as young as four months old. The government has not prohibited the practice.

Child marriage occurred among all ethnic groups, but no reliable data existed to quantify the problem. Girls who fled arranged marriages often were forced into prostitution to support themselves. Local NGOs worked to protect the rights of women and children and operated programs to fight child marriage and to protect the victims of child marriage. Observers noted during the year that NGO efforts to enroll more girls in school had a negative side effect on child marriages: more girls were forced to marry at a younger age because parents feared the social opportunities of school would increase the risk of their daughters losing their virginity before marriage.

The Child Protection Office of the Bissau Police Department estimated that approximately 1,000 children were living on the streets of Bissau, with a growing number of boys engaged in petty crime and forming gangs.

Trafficking in Persons

The law does not prohibit trafficking in persons, and there were reports that children were trafficked from and within the country. Some boys sent from rural areas to attend Koranic schools in neighboring countries, primarily Senegal, were exploited, abused, and forced to beg to meet daily monetary quotas for their Koranic teachers known as "marabouts." Girls were sometimes exploited as prostitutes; however, the extent of this problem was unknown.

The Ministry of Interior has responsibility for antitrafficking efforts; however, the government had no national plan to combat trafficking or the capability to monitor, interdict, or prosecute traffickers. During the year one man was prosecuted in Bafata for selling his children into forced begging in Senegal; he was given a

short jail sentence and ordered to look for his children in Senegal, where he did not find them.

The practice of buying and selling child brides also reportedly occurred on occasion.

There were reports that customs, border guards, immigration officials, labor inspectors, or local police may have been bribed to facilitate such trafficking; however, no specific information was available. Other government officials, including police and border guards, worked closely with the Association of the Friends of Children and the UN Children's Fund to prevent trafficking, raise awareness, and repatriate victims.

Persons with Disabilities

The law does not specifically prohibit discrimination against persons with disabilities, mandate building access for them, or provide for equal access to employment and education. However, there were no reports of overt societal discrimination. The government made some efforts to assist military veterans with disabilities through pension programs, but these programs did not adequately address health, housing, or food needs.

Other Societal Abuses and Discrimination

There was no open discussion of homosexuality or HIV/AIDS, and the government did not address discrimination on either basis.

Section 6 Worker Rights

a. The Right of Association

The law provides all workers with the freedom to form and join independent trade unions without previous authorization or excessive requirements, and workers exercised this right in practice. A significant majority of the population worked in subsistence agriculture; only a small percentage of workers were in the wage sector and organized. Approximately 85 percent of union members were government or parastatal employees, and they primarily belonged to independent unions.

The law does not prohibit antiunion discrimination; however, no workers alleged antiunion discrimination, and the practice was not believed to be widespread.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, but the government did not always protect this right.

The law does not provide for or protect the right to bargain collectively; however, the tripartite National Council for Social Consultation conducted collective consultations on salary issues. Most wages were established in bilateral negotiations between workers and employers.

The law provides for the right to strike, and workers exercised this right during the year. The only legal restriction on strike activity was a prior notice requirement. The law also prohibits retaliation against strikers.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, but there were reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

There are no specific laws that protected children from exploitation in the workplace, and child labor occurred. The legal minimum age is 14 years for general factory labor and 18 years for heavy or dangerous labor, including labor in mines. The small formal sector generally adhered to these minimum age requirements; however, the Ministry of Justice and the Ministry of Civil Service and Labor did not enforce these requirements in other sectors.

Most child labor occurred in the informal sector. The incidence of children working in street trading in cities increased during the year. In rural communities, children did domestic and field work without pay to support families or because of a lack of educational opportunities. Some children were partially or completely withdrawn from school to work in the fields during the annual cashew harvest. The government had not taken action to combat such practices by year's end. The Institute of Women and Children and the ministries of labor and justice are responsible for protecting children from labor exploitation; however, there was no effective enforcement due to lack of a legal structure.

Children were trafficked for purposes of labor exploitation.

e. Acceptable Conditions of Work

The Council of Ministers annually establishes minimum wage rates for all categories of work, but it did not enforce them. The lowest monthly wage was approximately \$38 (19,030 CFA) per month plus a bag of rice. This wage did not provide a decent standard of living for a worker and family, and workers had to supplement their incomes through other work, reliance on the extended family, and subsistence agriculture.

The government, which relied heavily on support from international donors for basic budget support, regularly failed to pay some public servants, notably teachers, in a timely manner, often with delays of several months.

The law provides for a maximum 45-hour workweek, but the government did not enforce this provision. The law also provides for overtime pay, provided that it does not exceed 200 hours per year, and a mandatory 12-hour rest period between workdays.

With the cooperation of the unions, the ministries of justice and labor establish legal health and safety standards for workers, which the ANP then adopts into law; however, these standards were not enforced, and many persons worked under conditions that endangered their health and safety. Workers, including foreign workers, do not have the right to remove themselves from unsafe working conditions without losing their jobs.

*In June 1998, the U.S. Embassy suspended operations in the midst of heavy fighting in Guinea-Bissau, and all official personnel in the country were evacuated. This report is based on information obtained by U.S. embassies in neighboring countries, especially Senegal, from other independent sources, and regular visits to Guinea-Bissau by U.S. officials assigned to the U.S. Embassy in Dakar. The U.S. Ambassador to Senegal, resident in Dakar, is also accredited to Guinea-Bissau.